

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

APR 25 2017

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

NATIONAL LABOR RELATIONS  
BOARD,

Petitioner,

v.

RED DEVIL AUTO & FLEET REPAIR,  
LLC,

Respondent.

No. 17-70759

NLRB Nos. 28-CA-146421  
28-CA-152886

ORDER

Before: SILVERMAN, McKEOWN, and HURWITZ, Circuit Judges.

The application of the National Labor Relations Board (“Board”) for summary enforcement of its January 24, 2017 Supplemental Decision and Order is granted. Unless objections as to form are received within fourteen (14) days of the date of this order, the form of judgment already submitted by the National Labor Relations Board will be the judgment of the court.

The Clerk shall serve the proposed judgment on respondent.

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD	:		
	:		
Petitioner	:	No.	
v.	:		
	:	Board Case Nos.:	
RED DEVIL AUTO & FLEET REPAIR, LLC	:	28-CA-146421,	
	:	28-CA-152886	
Respondent	:		

JUDGMENT ENFORCING A SUPPLEMENTAL ORDER  
OF THE NATIONAL LABOR RELATIONS BOARD

Before:

This cause was submitted upon the application of the National Labor Relations Board for summary entry of a judgment against Respondent, Red Devil Auto & Fleet Repair, LLC, its officers, agents, successors, and assigns, enforcing its supplemental order dated January 24, 2017, in Case Nos. 28-CA-146421 and 28-CA-152886, and the Court having considered the same, it is hereby

ORDERED AND ADJUDGED by the Court that the Respondent, Red Devil Auto & Fleet Repair, LLC, its officers, agents, successors, and assigns, shall make whole discriminatee Robert D. Kamalo by paying him the amount of \$10,281.40, plus interest accrued to the date of payment as prescribed in *New Horizons*, 283 NLRB 1173 (1987), compounded daily as prescribed in *Kentucky River Medical Center*, 356 NLRB 6 (2010), and minus tax withholdings required by Federal and State laws.<sup>1</sup>

Endorsed, Judgment Filed and Entered

/s/ Molly Dwyer  
Molly Dwyer, Clerk

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<sup>1</sup> This amount does not yet include any excess tax. As set forth in the compliance specification, the Respondent is also liable for the adverse tax consequences for any discriminatee receiving a lump-sum backpay award. These amounts may be updated to reflect the actual date of payment. Any adverse tax consequences shall be reported in accordance with *AdvoServ of New Jersey, Inc.*, 363 NLRB No. 143 (2016); *Don Chavas, LLC d/b/a Tortillas Don Chavas*, 361 NLRB No. 10 (2014).